



Appeal Decision

Site visit made on 13 January 2026

by **L Francis BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3rd February 2026

Appeal Ref: APP/C3810/W/25/3372605

3 Grange Park, Ferring, West Sussex BN12 5LS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Victoria Zoutewelle against the decision of Arun District Council.
- The application Ref is FG/45/25/PL.
- The development proposed is a new single-storey dwelling with new access and associated landscaping.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. On 16 December 2025, the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework). Whilst broad changes to the structure of the Framework are proposed as part of this consultation, these proposals could be subject to further change and can only be given very limited weight at this stage. It has therefore not been necessary to consult the parties on the changes, and in reaching my decision, I have had regard to the Framework published in December 2024.

Main Issue

3. The main issue is the effect of the appeal proposal on the protected beech tree.

Reasons

4. Grange Park is a cul-de-sac of detached dwellings set in substantial gardens. The front gardens, grass verges and planting give the surrounding area a spacious, verdant character. The appeal site comprises part of the rear garden of the dwelling at 3 Grange Park. An 'L' shaped single storey dwelling and a new access leading from Grange Park running adjacent to the host property would be provided as part of the scheme.
5. The rear garden contains a large number of trees, varying in size and amenity value. Of most significance is a substantial beech tree which dominates the rear garden and is protected by a Tree Preservation Order (TPO). Its crown is highly visible from the street and surrounding gardens. The Council's tree officer dates the specimen to around 120 years old, and there is no substantive evidence before me which would lead me to disagree. The tree has veteran status. It makes a significant contribution to the visual amenity of the area through its scale and well-formed crown which does not appear to have been modified by hard pruning.

6. The tree is located near to the western boundary of the appeal site, close to the adjacent property on Cedar Close which appears to date from the mid-20th Century. There are also prominent surface roots within around 3 metres of the trunk. The proposed boundary between the garden of the proposed dwelling and the garden of 3 Grange Park would run just to the south of the protected tree. Whilst the tree would remain within the garden of 3 Grange Park, its canopy would overhang a substantial proportion of the proposed dwelling's garden, which would also contain some of the surface roots of the protected tree.
7. The advice contained in the Framework at paragraph 193c is that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists. This advice is also reflected in the Planning Practice Guidance (PPG) paragraph 033 Reference ID: 8-033-20190721 and Natural England standing advice.
8. Having had the benefit of a site visit, I consider the coverage of the appeal site by the tree's crown to be more than the minor encroachment stated by the appellant, although I agree that the extent of the crown appears slightly less than shown on the tree survey plans. Nevertheless, this does not change my view that the extent of shading arising from the crown during the summer months would be significant, likely casting shade over the plot for large parts of the day. There would also be a significant maintenance burden on future occupiers in terms of managing leaf litter and other detritus in the garden and on the roof of the dwelling. The garden itself is likely to have limited potential for a lawn or other significant planting due to the presence of the surface roots and degree of shading. I consider it highly likely that there would be more intense use of the space around the tree than in the existing situation, due to its likely use by the occupiers of the proposed dwelling, which would risk harm to the surface roots.
9. Whilst there is a chance an occupier would accept the benefits and disbenefits of living in such proximity to the tree, in my view there is significant risk that the tree would cause nuisance to future occupiers due to a combination of the factors outlined above. Taken together, these issues would be likely to lead to pressure on the Council to agree crown reduction or other works to the tree. Whilst the protected status of the tree means the Council can retain control over works, if the tree is held to be harming the living conditions of the occupiers at the time, the work may be difficult to resist.
10. Additionally, the Council indicate that beech trees have a generally poor tolerance to pruning. Consequently, any meaningful pruning to reduce the crown sufficient to minimise nuisance and damage to the proposed dwelling could result in a deterioration in the tree's health, or its loss. I note the appellant does not consider this outcome would be a foregone conclusion, but there is no compelling evidence before me which would lead me to conclude that harm arising from significant pruning would not be a likely outcome.
11. Part of the proposed dwelling would fall within the root protection area of the protected beech. Screw piling foundations are proposed to reduce the physical impact upon the tree roots. The appellant suggests that planning conditions could secure appropriate details including a ground penetrating radar root mapping survey, revised screw pile positioning and beam design informed by root data and continuous arboricultural supervision during construction. The appellant's view is that the measures proposed to be secured by condition would be in line with BS5837:2012 'Trees in Relation to

Construction' and would be sufficient to protect the roots of the tree. Nevertheless, given the veteran status of the tree, in the absence of sufficient detail before me regarding the effect of the proposals upon the tree roots, I cannot conclude that the long-term viability of the protected beech tree would not be harmed as a result of the proposal. Even if I were to accept that this matter could be dealt with by planning condition, this would not address the potential harm to the tree arising from the other issues identified above.

12. Whilst the tree has clearly been able to grow despite the proximity of foundations to the adjacent property at Cedar Close, it does not necessarily follow that the erection of new building in a location partially within the root protection area would not have a harmful effect on the tree.
13. I note the Council is broadly satisfied with the effect of the proposal on the remaining trees to be retained within the appeal site. I have no reason to conclude otherwise, subject to appropriate planning conditions regarding the protection of the retained trees. The absence of harm in this respect would, however, not overcome the harm I have identified to the veteran beech tree.
14. For the reasons set out above, I conclude that the appeal scheme would be harmful to the protected veteran beech tree. The proposal would conflict with Policy ENV DM4 of the Arun Local Plan 2011-2031, which allows development where it can be demonstrated that, amongst other things, trees protected by a TPO will not be damaged or destroyed. There are not wholly exceptional reasons that would justify a proposal which would potentially cause harm to a veteran tree, which draws it into conflict with the advice set out in the PPG and paragraph 193c of the Framework.

Other Matters

15. The Council's suggested conditions were provided without prejudice and this forms part of the written representations appeal procedure. It does not indicate that the Council's view on the merits of the appeal scheme has changed.
16. I attribute limited weight to the use of restrictive covenants on the land as a means of mitigation since these are not a matter controlled through the Town and Country Planning Act 1990 (as amended).
17. The Council is satisfied with matters including parking and highway safety, the effect on the living conditions of neighbouring residents, the detailed design and standard of internal accommodation, refuse and recycling arrangements as well as the proposal's effect upon other trees within the appeal site. I do not have substantive evidence to contradict the conclusions of the Council in these matters, so I see no reason to disagree. Nevertheless, the absence of harm means these are neutral considerations in my determination of the appeal.

Planning Balance

18. Set against the harm identified, the proposal would deliver a net gain of a single dwelling that could be built out relatively quickly and would provide a good standard of accessible accommodation and an efficient use of land. The appeal scheme is said to be self-build housing, for which there is particular support within the Framework. Given the small scale of the proposal, a single dwelling would make a limited contribution to the Council's housing stock and as such I attach limited weight to this benefit.

19. There would be temporary and ongoing economic benefits from the development through construction and use of local shops and services, but given the scale of the proposal, those benefits would be limited.
20. The scheme would be energy efficient and would include the use of photovoltaic panels and air source heat pumps. The scheme would provide a net gain in biodiversity. I attach moderate weight to these benefits.
21. I note the Council cannot demonstrate a 5-year supply of deliverable housing sites, with supply standing at the equivalent of 3.41 years. In these circumstances, paragraph 11d)ii of the Framework is applicable. Footnote 8 of the Framework is clear that the policies which are most important for determining the application are deemed out-of-date. Consequently, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard for key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.
22. As described above, the benefits associated with the additional dwelling would be moderate, even taking into account the Framework's objective of boosting significantly the supply of housing, and the Council's housing land supply shortfall.
23. I attach significant weight to the risk of harm to the veteran beech tree through the erection of a dwelling in the location proposed. The benefits described above would not constitute wholly exceptional reasons that would justify the appeal scheme which I have identified could harm the veteran beech tree. This draws the proposal into conflict with paragraph 193c of the Framework. Consequently, this would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

24. The appeal proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given, the appeal should be dismissed.

L Francis

INSPECTOR